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REMARKS

Claims 1-2 and 4-20 are currently pending in the patent application. The Examiner has objected to the Specification since the specification was not divided into sections. Applicants submit amendments to the specification herein to insert headings for the sections. The Examiner has objected to Claim 16 for reciting "or more". Applicants have amended Claim 16 to address the Examiner's concerns. The Examiner has rejected Claims 1, 3-8, 10-11, 13, and 16-18 under 35 USC 102 as anticipated by Yuasa; has rejected Claims 2, 12, 14-15, and 19-20 under 35 USC 103 as unpatentable over Yuasa in view of Aimoto; and has rejected Claim 9 under 35 USC 103 as unpatentable over Yuasa. For the reasons set forth below, Applicants believe that the claims are patentable over the cited art.

The present application teaches and claims a system and method for providing switching in Ethernet networks. In accordance with the invention, a switch in the network dynamically assigns hosts (9) to logical groups of hosts for a session in response to a session request, such that the hosts (9) participating in a data communication are assigned to the same group. The switch then associates each group

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with a service class indicative of requirements for forwarding data across the switch (1) for data communications between hosts (9) in the group, and forwards received data across the switch (1) in a manner dependent on the service class of the group to which hosts (9) participating in the data communication are assigned. During operation, the switch monitors traffic congestion and, if required based on traffic congestion, the switch disables data communications between hosts (9) in one or more of said groups to satisfy the forwarding requirements for at least one service class. The language of independent Claims 1, 17, and 19 has been amended to expressly recite that the switch dynamically performs group assignment for a session in response to a session request, in accordance with the teachings found in the Specification (for example, on page 4, lines 6-7). Claim 1 has additionally been amended to expressly recite that the switch monitors traffic congestion, as taught in the Specification on page 12, line 18-page 13, line 13 and illustrated in Fig. 8.

Applicants respectfully assert that the Yuasa patent does not teach the invention as claimed, alone or in combination with the additionally-cited Aimoto patent.

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The Yuasa patent teaches a virtual LAN system wherein virtual groups are formed based on elements having physical or logical attributes in common and traffic is allocated in traffic bands to the groups. Yuasa teaches a static assignment of entities to virtual groups, which assignment is done by integrated network service equipment at a center node (see: col. 13, lines 61-62; Col. 14, lines 18-23), and which assignment is automatically updated if there are physical changes to the network (e.g., an added terminal at a network location). The virtual group assignment information is distributed throughout the network so that network components (e.g., LAN switches) maintain virtual group routing tables (see: e.g., Col. 20, lines 13-14). While the assignment to virtual groups may be updated based on changes to the network, the Yuasa assignment is static for the life of a given network configuration. Yuasa does not dynamically assign groups based on session requests.

Applicants respectfully assert that the Yuasa patent does not anticipate the invention as claimed. While the present application teaches and claims dynamic assignment of hosts to groups, Yuasa teaches fixed assignment for a given network configuration. While the present invention provides for dynamic assignment by a switch, Yuasa has a central

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entity which assigns components to virtual groups and then communicates that assignment information to network components. Under the present invention, assignment of hosts to groups is done dynamically in response to a session request; whereas Yuasa performs static assignment based on network topology.

The Examiner has cited the teachings found in Yuasa at Col. 8, line 66-Col. 9, line 1 against the claim language. What is taught in the cited passage is "setting a client address and priority of the virtual group in a virtual group registration table". Applicants respectfully assert that setting an address and priority in a table at a switch is not the same as a switch dynamically grouping hosts for a session.

The present invention provides for a switch to not only dynamically assign hosts to groups in response to a session request, but also to associate each group with a service class and to forward data received across the switch in a manner dependent on that service class. The Examiner has cited the teachings from Col. 9, lines 1-2 which mention "allocating traffic bands in group units." Applicants fail to see how allocating traffic bands in group units anticipate, or obviate, the claimed forwarding data in a

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manner dependent upon the service class of the group to which hosts participating in the data communication session have been dynamically assigned. Further, the cited teachings from Col. 19, lines 25-29 teachings that a scan period for a buffer scan will be made shorter for lower priority traffic. Applicants respectfully assert that the cited passage does not teach or suggest the claimed step of forwarding received data in a manner dependent on the service class, nor does it teach or suggest monitoring traffic congestion and disabling data communications between hosts of one or more groups to satisfy forwarding requirements when traffic congestion so warrants. Yuasa may scan a low priority buffer less often, but such is not the same as or suggestive of disabling data communications based on monitored traffic congestion.

It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Since the Yuasa patent does not teach dynamic assignment of hosts to groups, does not teach dynamic assignment by a switch, does not teach assignment of hosts to groups dynamically in response to a session request, does not teach associating dynamically assigned groups with a service class

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and forwarding data received across the switch in a manner dependent on that service class, does not teach a switch monitoring traffic congestion, and does not teach disabling of data communications between hosts of one or more groups based on traffic congestion to satisfy forwarding requirements for at least one service class, it cannot be maintained that the Yuasa patent anticipates the language of independent Claim 1, or any of Claims 2, and 4-16 which depend therefrom and add limitations thereto, or the language of Claims 17-20.

The Examiner has additionally cited the Aimoto patent in conjunction with Yuasa in rejecting the language of Claims 2, 12, 14-15 and 19-20. The Examiner has cited Aimoto for its teachings related to treatment of cells of a traffic class that does not have any special contract for transfer rates. According to Aimoto, if no special contract for transfer rates exists, cells, or packets, can be discarded to relieve traffic congestion. Of the "non-contract" cells, lower priority cells are discarded before higher priority cells.

Applicants respectfully assert that one would not be motivated to modify Yuasa with Aimoto; and, further assert that, even if such modification were done, the combination

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would not result in the invention as claimed. Since Aimoto makes a discard determination based on whether there is a contract for the type of data, as opposed to the service class for a group of data recipients (i.e., the virtual LAN group of Yuasa), modification of Yuasa with Aimoto would not be logical. Discarding data based on data type in accordance with Aimoto might result in no service to a Yuasa group, regardless of the service class for the group of data recipients. Moreover, since neither Yuasa nor Aimoto teaches or suggests dynamic assignment of hosts to groups, dynamic assignment by a switch, assignment of hosts to groups dynamically in response to a session request, associating dynamically assigned groups with a service class and forwarding data received across the switch in a manner dependent on that service class, monitoring traffic congestion, and disabling of data communications between hosts of one or more groups based on switch-monitored traffic congestion to satisfy forwarding requirements for at least one service class, it cannot be maintained that the combination would obviate the claims which expressly recite those limitations. Accordingly, Applicants believe that the Examiner has failed to establish a *prima facie* case of obviousness against the claims.

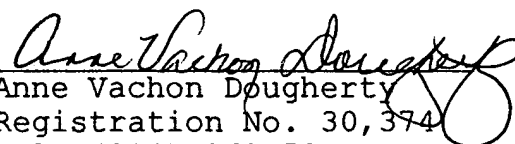
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Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,

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